IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

WP(C).No. 1676 of 2007(Y)

PETITIONER:

M.T. VINODKUMAR,
JUNIOR CLERK, VYAPARI VYAVASAYI CO-OPERATIVE SOCIETY LTD.NO.W-210, PULPALLY P.O.,WAYANAD-673579

BY ADV. SMT.S.KARTHIKA
SRI.M.S.UNNIKRISHNAN
SRI.M.R.ANISON
SMT.T.B.REMANI
SMT.K.P.GEETHA MANI
SRI.T.R.RAJESH

RESPONDENTS:

1. **THE REGISTRAR OF CO-OPERATIVE SOCIETIES, OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES, TRIVANDRUM.**

2. **THE JOINT REGISTRAR (GENERAL), OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, WAYANAD, KALPETTA.**

3. **THE VYAPARI VYAVASAYI CO-OPERATIVE SOCIETY LTD. NO.W-210, REP. BY ITS SECRETARY, PULPALLY P.O., WAYANAD-673 579.**

ADDITIONAL RESPONDENT

4. **LALITHA.K., W/O G.SASIDHARAN, AGED 37 YEARS ATTENDER, VYAPARI VYAVASAYI CO-OP. SOCIETY WAYANAD LTD, NO. W 210 PULPALLY RESIDING AT 'CHAITHANYA', THOMATTUCHAL VADUVANCHAL P.O., WAYNAD DISTRICT**

Additional R4 impleaded vide order dtd. 23/07/2007 in I.A.NO.9823/07

BY ADV. SRI.T.A.SHAJI
SMT.T.V.NEEMA
SRI.M.SASINDRAN
GOVERNMENT PLEADER SRI.P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE DEGREE CERTIFICATE DTD. 02-03-99**
EXT.P2	**TRUE COPY OF THE PROCEEDINGS DTD. 9-5-01 ISSUED BY R2**
EXT.P3	**TRUE COPY OF THE RESOLUTION DTD. 27-9-05 ISSUED BY R3**
EXT.P4	**TRUE COPY OF THE RESOLUTION DTD. 25-11-06 ISUED BY R3**
EXT.P5	**TRUE COPY OF THE ORDER DTD. 13-12-06 ISSUED BY R2**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

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W.P.(c).No.1676 OF 2007

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Dated this the 17th day of October, 2007

JUDGMENT

Petitioner challenges Ext.P5. Ext.P5 is an order passed under Rule 176 of the Kerala Co-operative Societies Act rescinding the resolution by which petitioner was promoted. One of the contentions raised by the petitioner is that Ext.P5 which is dated 13/12/2006 has been passed after the amendment to Section 69 and this matter will squarely come under Section 69 of the Co-operative Societies Act.

I feel that petitioner is entitled to the benefit of the judgment of this court in **Prakasini v. Joint Registrar** (2006(1)KLT 199) and it stand confirmed by the Division Bench also. Accordingly, I quash Ext.P5 and this will be without prejudice to the right of the additional 4th respondent to approach the authority under Section 69. In view of the fact that the matter is pending for some time, if the additional 4th respondent institutes proceedings before the authority under Section 69 within a period of three weeks from today, a decision will be taken thereon with full opportunity to the parties within a period of four months from the date of institution of the proceedings.

(K.M.JOSEPH, JUDGE)

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